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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,917	02/24/2004	Peng Cho Tang	034536-1150	1976
22428	7590	04/06/2006	EXAMINER	
FOLEY AND LARDNER LLP			STOCKTON, LAURA LYNNE	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			1626	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,917	<b>Applicant(s)</b> TANG ET AL.	
	<b>Examiner</b> Laura L. Stockton, Ph.D.	<b>Art Unit</b> 1626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8, 12 and 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☒ Claim(s) 9, 11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/12/2006</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

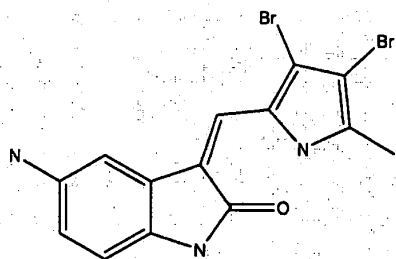
Art Unit: 1626

**DETAILED ACTION**

Claims 7-17 are pending in the application.

***Election/Restrictions***

Applicants' election with traverse of Group I, and the species of the third compound in Table 10 on page 115 of the instant specification (reproduced below), in the reply filed on July 14, 2005 was acknowledged in the previous Office Action.

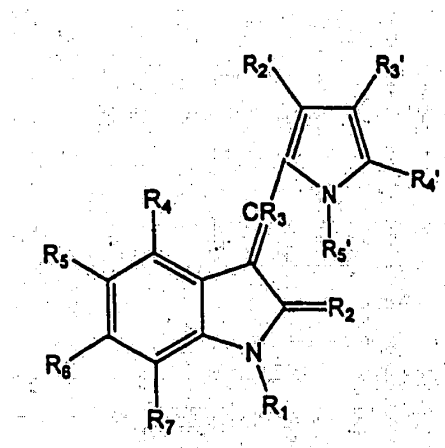


The requirement was deemed proper and therefore made FINAL in the previous Office Action.

Art Unit: 1626

The scope of the examined invention that has been examined, inclusive of the elected species, is as follows:

Compounds of the formula (formula found on page 50, starting at line 8 through to the top of page 51, lines 1-5 of the instant specification)



wherein R<sub>1</sub> is hydrogen; R<sub>2</sub> is oxygen; one of R<sub>4</sub>, R<sub>5</sub>, R<sub>6</sub> or R<sub>7</sub> represents NRR'; all other variables are as defined under the formula on page 50, starting at line 8 through to the top of page 51, lines 1-5 of the instant specification. The scope of the examined

Art Unit: 1626

invention is embraced by instant claims 9-11 and 13  
(all in-part).

Subject matter not embraced by the above identified scope of the elected invention and claims 7, 8, 12 and 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions. Applicant timely traversed the restriction (election) requirement in the reply filed on July 14, 2005.

***Information Disclosure Statement***

The Examiner has considered the Information Disclosure Statement filed on January 12, 2006.

Art Unit: 1626

Rejections and objections made in the previous Office Action that do not appear below have been overcome. Therefore, arguments pertaining to these rejections and objections will not be addressed.

### ***Drawings***

The amendment to the specification by deleting paragraphs numbers [0323] and [0324] of the published application because Applicants must refer to the actual specification (i.e., page 61, paragraph starting on line ???) of the pending application when giving instructions to amend the instant specification.

### ***Specification***

The disclosure is objected to because of the following informalities: page 61, line 25 refers to

Art Unit: 1626

drawings however, all drawings have been cancelled per instructions found in the amendment filed January 12, 2006.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, under definition R<sub>4</sub>, R<sub>6</sub> and R<sub>7</sub> (iv), R<sub>33</sub>, R<sub>34</sub> and R<sub>35</sub> variable, a comma is needed after R<sub>33</sub> because it appears that something is missing.

***Response to Arguments***

Applicants' arguments filed January 12, 2006 have been fully considered. Applicants argue that the claims have been amended to overcome these rejections. In response, the above error was not corrected.

Upon reconsideration and Applicants' arguments, the above identified scope of the examined invention is unobvious over the previously cited prior art because none the previously cited prior art teach any preferred embodiments or specie having a NRR' group.

***Allowable Subject Matter***

Claims 9, 11 and 13 are objected to for containing non-elected subject matter. Claims presented directed solely towards the above identified scope of the examined invention would appear allowable over the art of record.



**Conclusion**

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1626


This application contains claims and subject matter drawn to inventions nonelected with traverse in the reply filed July 14, 2005. A complete reply, if any, to the final rejection must include cancellation of nonelected claims (37 CFR 1.144) See MPEP § 821.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura L. Stockton whose telephone number is (571) 272-0710. The examiner can normally be reached on Monday-Friday from 6:15 am to 2:45 pm. If the examiner is out of the Office, the examiner's supervisor, Joseph McKane, can be reached on (571) 272-0699.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1626

The Official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

A handwritten signature in black ink, appearing to read "Laura L. Stockton", written over a horizontal line.

Laura L. Stockton, Ph.D.

Patent Examiner

Art Unit 1626, Group 1620

Technology Center 1600

April 3, 2006